

74. (Original) A system as claimed in claim 71 comprising a short messaging content provider (SMCP) computer, programmed to store and download a CSM to the communications device.

75. (Original) A system as claimed in claim 71 in which the SMCP computer is a WAP server.

76. (Original) A system as claimed in claim 71 in which the SMCP computer includes means for determining the location of a communications device.

77. (Original) A system as claimed in claim 71 in which the SMCP computer includes a voice synthesiser to deliver audible messages to the communications device.

#### **REMARKS**

In the Office Action, the Examiner rejected claims 1-12, 14, 18, 20-24, 26-28, 30-36, 38, 42, 44-47, 49-53, 55-60, 62, 64-67, 69-72 and 74 under 35 U.S.C. 102(e) as being anticipated by Isomursu. Claims 13, 37, 61 and 75 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Raith and claims 15-16, 25, 29, 39-40, 43, 48, 54, 63, 68, 73 and 76-77 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Chern.

In response to the Examiner's objections, claims 1, 31, 56 and 71 have been amended.

By way of brief explanation, original independent claim 1 has been amended to receive the feature of “at least some of the SMMs are in turn stored in other SMMs with their own unique identifiers as a CSM”. The basis for this amendment may be found throughout the specification, and in particular, in original claim 3 of the application and on page 18, lines 6 to 10 and page 19, lines 5 to 16. Original claims 3 and 7 have been deleted. The same amendment has also been made to original claim 31 and claim 56. Finally, original claim 71 has been amended to receive the feature of “the SMP computer being further programmed to store at least some of the SMMs in other SMMs with their own unique identifiers as a CSM”. All remaining claims are unchanged.

#### **Claim Rejections – 35 USC § 102**

Claim 1 has been amended to incorporate the features of original claim 3 so that it now recites the feature of “at least some of the SMMs are in turn stored in other SMMs with their own unique identifiers as a CSM”.

It is respectfully submitted that claim 1 is novel and inventive in light of Isomursu (U.S. Patent No. 6,400,958). Isomursu discloses a system in which a computing device routes received user messages (such as SMS messages) to one of a number of data processing applications which are loaded onto the computing device. Each user message has a header field which includes an identifier for identifying the data processing application to which the user message is to be routed, and the payload of each user message comprises input data for that data processing application.

Isomursu further describes a dedicated “menu application” (column 10, line 26 –

column 11, line 23) which receives user messages and then creates and updates menus according to the payload of the user messages. Users interact with each Isomursu menu by selecting and activating a menu item, which menu item is transmitted as a command to a service provider for onward delivery to an operator for processing.

This is very different to what is proposed in the present application. Claim 1 of the present invention relates to a method of providing an interactive short messaging service in which a user of the system transmits their information requests to a short message service provider (SMP) and the SMP thereafter transmits the information in a short messages menu (SMM) to the communications device and terminates the call on completion of the downloading. Nowhere in Isomursu is there disclosed a messaging service having the features of claim 1 as now amended.

Claim 1 of the present application recites the feature of “storing short messages each with a unique identifier for access by the communications device as content short messages (CSM)”. In the Office Action, the Examiner appears to argue that Isomursu teaches storing short messages each with a unique identifier. It is clear from Isomursu that the identifiers associated with a user message, and which are stored in the header field of each user message, are for identifying a specific data processing application to which a user message is to be routed for processing. These identifiers are referred to in Isomursu as application identifiers (see column 6, lines 29-45) and are for enabling a receiving device to process a user message directly into the identified data processing application.

It is also clear that the identifiers described in Isomursu need not be unique since more than one user message received by any given device may well be required to be processed

by the same data processing application, which will therefore give rise to those user messages being associated with the same application identifiers. Furthermore, Isomursu describes a scenario in which users of a mobile phone enter an application identifier into a user message during message creation (see column 7, lines 7-33). It is clear from this example that the application identifier is not adapted to uniquely identify a stored short message but to simply identify the data processing application running on a device into which the user message is to be processed. Accordingly, nowhere in Isomursu is there disclosed a messaging system for storing short messages each with a unique identifier for access by the communications device as content short messages (CSM).

Claim 1 also recites the feature of “the SMP stores the unique identifier for each of a plurality of CSMs in a menu to provide a short messages menu (SMM) having its own unique identifier”. Although the Examiner argues that Isomursu teaches such a feature, it is respectfully submitted that such a provision is neither described nor alluded to in Isomursu. In particular, it is noted that Isomursu teaches a messaging system in which user messages are transmitted to a menu application (see column 10, lines 26-35) for processing into menus. These menus are clearly described as comprising sub-menus which are able to be activated as commands, which commands are then coded as user messages and forwarded to a service provider (see column 11, lines 10 – 23). The menu application itself is described as a software program which runs on a processor associated with the receiving device (see column 11, line 66 – column 12, line 3) and which is adapted to create menus and sub-menus based on various programming scripts and primitives (see column 12, lines 5 – column 14, line 16) which are applied to the payload of a user message.

No mention is made in Isomursu that the menus or sub-menus, or indeed the menu items themselves, are user messages, or, in the context of the present invention, CSMs. In fact, the contrary is maintained as Isomursu states that a menu item is selected and then activated as a command, which command is then sent as a user message to a service provider (see column 11, lines 10 – 23 and column 14, lines 30-35). This is clearly not the same as the present invention which provides a short messages menu (SMM) which is itself a CSM, and which contains the unique identifiers for a plurality of CSMs. It should be appreciated that all SMMs in the application in suit are transmitted from an SMP as CSMs and all menu items are themselves CSMs. Furthermore, it is noted that each menu in Isomursu is created by the menu application on the receiving device. By clear contrast, in the present application all SMMs are created by the SMP, and the Examiner will note that this is a requirement of claim 1 of the present application.

Isomursu therefore relates to a system in which the user may access information downloads from a standard ‘drop-down’ or collapsing menu or directory and it is submitted that what is disclosed is different to what has been proposed in the present application. The applicant suggests that the menu items in the menus of Isomursu will be of varying size and in effect are simply a directory to further services and downloads of varying size and nature, such as an alternative ring tone download, a software download or a weather report. Many of these items will be quite large in size, much larger than the initial communication, and certainly significantly larger than a CSM. Accordingly, Isomursu teaches a system that is very different from the present invention, which relates to storing a CSM in an SMM and thereafter having at least some of the SMMs stored in other SMMs with their own unique identifiers as a CSM. This would not be possible in the system described in Isomursu as the information is provided in a number of

different sizes in a number of different formats and it would be impossible to obtain the advantages of the present application with such a system.

Claim 1 further recites the feature of “at least some of the SMMs are in turn stored as CSMs in another SMM with their own unique identifiers as a CSM”. Providing a system in which a plurality of CSMs are stored in an SMM and in which “at least some of the SMMs are in turn stored in other SMMs with their own unique identifiers as a CSM” will enable the entire system to be scalable. Further, the system may provide an intuitive interface which may be manipulated with relative ease by users. This is because each of the SMMs and CSM are of a predetermined size and do not exceed an upper size threshold value. In this way, the CSMs may be placed in SMMs and those SMMs may themselves be placed in other SMMs that may be navigated by the user. The information will only take a relatively small amount of time to download to a communication device before the call may be terminated on successful completion of the download. Each piece of information, whether it is a CSM or an SMM, may be downloaded in substantially the same relatively short space of time. These advantages are not achievable by the Isomursu system.

Moreover, the computational overhead for rendering each SMM on a device according to the present invention will be minimal compared to the method of menu creation described in Isomursu. For example, in the system described in Isomursu users must first send a “menu command” in the form of a user message to a service provider which then responds by sending a user message having the required payload to the menu application, which menu application will process the payload and create the required menu. The menu application is permanently stored on the receiving device (see column 14, line 43-51) and will therefore require

constant processing power whilst the communications device is switched on. Such additional processing in Isomursu clearly represents a significantly larger computational overhead than would be required by simply transmitting CSMs from an SMP to the communications device, as is achieved by the present application.

Therefore, as Isomursu does not disclose or even suggest providing a method of providing an interactive SMS in which the SMP stores the unique identifier of a plurality of CSMs in a menu of short messages to provide a SMM with its own unique identifier, at least some of the SMMs are in turn stored in other SMMs with their own unique identifiers as a CSM, the applicant respectfully submits that claim 1 is not anticipated or made obvious in light of the prior art of record.

Claim 1 also recites the feature that on a communications device accessing the SMS “the SMP downloads the SMM to the communications device”. The Examiner appears to argue that Isomursu teaches such a feature. However, it is clear from Isomursu that this is not the case since it is only user messages containing the payload for generating menus that are transmitted to the Isomursu communications devices (see column 10, lines 34-36). Nowhere in Isomursu is there described a system in which an SMP downloads an SMM to a communications device. In fact, the system in Isomursu teaches away from this concept by requiring that each communications device independently generates menus from received user messages. In Isomursu no SMM’s of any nature are being downloaded or transmitted from the SMP to the communications devices, as is required by claim 1 of the present application.

There are many advantages associated with downloading SMM’s from a SMP as provided in claim 1 of the present application. For example, transmitting SMM’s already in a

receivable menu format from an SMP to a communications device will minimise the amount of processing to be done by the communications device. In this way the only computation required to be done by the communications device in accordance with the present invention will be to display the received menu. Furthermore, since the SMMs received by a communications device are already in menu format users will be able to view menus immediately once received. Such a provision is not provided for in Isomursu which requires users to interact with a menu application in order to generate a menu. Accordingly, the method claimed in claim 1 of the present application provides an implementation for a user interface which is both intuitive to use and easy to navigate as it does not require users to interact with complex software programs running on the communications device in order to generate menus, as the Examiner will note is required by the Isomursu system. The Examiner attention is again directed to the various programming scripts and primitives (see column 12, lines 5 – column 14, line 16) which must be applied to the payload of a user message to create the Isomursu menus.

Therefore, as claim 1 contains features that are nowhere to be found in Isomursu, claim 1 is not anticipated or made obvious in light of Isomursu. Claims 2, 4 to 6 and 8 to 30 inclusive are dependent either directly or indirectly on novel claim 1 and therefore are also considered novel and inventive by virtue of their dependence either directly or indirectly on novel and inventive claim 1.

As the same limitation that “the SMP computer being programmed to store at least some of the SMMs in other SMMs with their own unique identifiers as a CSM” has been made to independent claims 31 and 56, the arguments provided in respect of independent claim 1 also apply mutatis mutandis to those claims, and are therefore also considered novel and



inventive over Isomursu. Claims 32-55 inclusive and claims 57-70 inclusive are also deemed novel by virtue of their dependence, either directly or indirectly on a novel independent claim.

Finally, independent system claim 69 has been amended to recite the feature of “the SMP computer being programmed to store at least some of the SMMs in other SMMs with their own unique identifiers as a CSM”.

Nowhere in Isomursu is there disclosed a system having an SMP computer running computer software which assigns a unique identifier to each CSM so as to render each CSM uniquely identifiable. Nor does Isomursu disclose a system in which unique identifiers are stored for a plurality of CSMs, and these identifiers are used to generate a short messages menu also having a unique identifier, where at least some of the SMMs are stored in other SMMs with their own unique identifiers as a CSM. Accordingly, the arguments provided in respect of independent claim 1 therefore apply mutatis mutandis to amended independent claim 71.

Therefore, as claim 71 contains features that are nowhere to be found in Isomursu it is considered both novel and inventive in light of Isomursu. Claims 72 to 77 inclusive are dependent either directly or indirectly on novel claim 71 and therefore are also deemed novel by virtue of their dependence either directly or indirectly on novel claim 71.

### **Claim Rejections – 35 USC § 103**

The Examiner suggests that a combination of Isomursu and Raith may be used to render original claims 13, 37, 61 and 75 obvious. However, these claims are also considered novel and inventive by virtue of their dependency on a novel and inventive claim.

Furthermore, the Examiner suggests that a combination of Isomursu and Chern

may be used to render original claims 15, 16, 19, 25, 29, 30, 40, 43, 48, 54, 63, 68, 73, 76 and 77 obvious. However, these claims are also novel inventive by virtue of their dependency on a novel and inventive claim.

### **Conclusion**

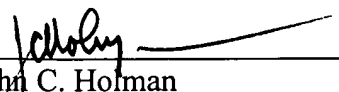
The applicant submits that the claims have been amended to more clearly define the subject matter for which protection is sought and the claims are both novel and inventive in light of the prior art of record. None of the remaining prior art on record either alone or in combination with Isomursu would lead the person skilled in the art to the present invention. It is respectfully submitted that the invention is both novel and inventive and that the application is now in order for allowance.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

JACOBSON HOLMAN, PLLC

By:   
John C. Holman

Reg. No. 22,769

400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
(202) 638-6666  
Date: 20 December 2005  
JLS/arc